

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

Michael Canales, et al.,

Plaintiffs,

Case No. 2:21-cv-2562

v.

Judge Michael H. Watson

The Ohio State University,

Magistrate Judge Preston Deavers

Defendant.

OPINION AND ORDER

In this case, Michael Canales and John Doe 20 (collectively “Plaintiffs”) sue The Ohio State University (“Ohio State”) based on sexual abuse they suffered at the hands of Dr. Strauss (“Strauss”) while students at Ohio State. Compl., ECF No. 1. Plaintiffs assert the following claims: (1) violations of Title IX; (2) violations of Title IX, deliberate indifference; (3) fraudulent concealment; (4) violations of Title IX, unlawful retaliation; and (5) constitutional rights violations pursuant to 42 U.S.C. § 1983. *Id.* ¶¶ 106–80. It appears Plaintiffs base their claims on the abuse by Strauss, the sexually charged environment at Larkins Hall, and Ohio State’s contemporaneous response—or lack thereof—when it learned about both. *Id.* Ohio State moves to dismiss all claims. Mot. Dismiss, ECF No. 9. Plaintiffs responded, Resp. ECF No. 11, and Ohio State replied. Reply, ECF No. 13.

As an initial matter, Plaintiffs move for leave to file their response to Defendant's motion after the deadline to do so. The Court notes that Plaintiffs' motion complies with neither the local rules nor the Undersigned's standing orders. Nonetheless, the motion is **GRANTED**, and the Court considers Plaintiffs' response.

Turning to Defendant's motion to dismiss, the Court **GRANTS** Ohio State's motion for the reasons set forth in the Opinions and Orders issued in *Garrett* and *Ratliff*. Case Nos. 2:18-cv-692 and 2:19-cv-4746. The reasons requiring dismissal in those cases apply equally to this case. See, e.g., Compl. ¶¶ 5, 8–16, 44–55, 67, 82, 92, 94–100, 106–180, ECF No. 1.

The Court hopes that, notwithstanding this ruling and the fact that Ohio State's voluntary settlement program has closed, Ohio State will stand by its promise to "do the right thing," and continue settlement discussions with Plaintiffs.

The Clerk is **DIRECTED** to enter judgment for Ohio State and close the case.

IT IS SO ORDERED.

/s/ Michael H. Watson
MICHAEL H. WATSON, JUDGE
UNITED STATES DISTRICT COURT